


## REPORTING THE USE OF RESTRAINTS IN YOUR EDUCATIONAL PROGRAM

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[https://apps.leaderservices.com/\\_risc](https://apps.leaderservices.com/_risc)



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▶ Regulations





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▶ Regulations

- Special Education regulations, 22 Pa. Code Chapter 14 and Chapter 711 were amended and became effective in 2008.
- New Provisions in Section 14.133 require that, positive, rather than negative measures must form the basis of behavior support programs to ensure that all students and eligible young children shall be free from demeaning treatment, the use of aversive techniques and the unreasonable use of restraints. Behavior support programs must include research based practices and techniques to develop and maintain skills that will enhance an individual student's or eligible young child's opportunity for learning and self-fulfillment.



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### Regulations

- In addition, Section 14.133 requires that behavior support programs and plans be based on a functional assessment of behavior (FBA) and utilize positive behavior techniques. Restraints are **only** to be considered as a measure, of last resort, **only after de-escalation techniques and other less restrictive measures have been used.**



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### Regulations

- The regulations clarified that the use of **prone restraints is prohibited** in PA educational settings.
- Prone restraints are those in which a student or eligible young child is held face down on the floor.



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### Definition of a Restraint



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### Definition of a Restraint

- Section 14.133 defines a restraint as the application of physical force, with or without the use of any device for the purpose of restraining the free movement of a student's or eligible child's body.
- The term does not include briefly holding, without force, a student or eligible young child to calm or comfort him, guiding a student or eligible young child to an appropriate activity, or holding a student's or eligible young child's hand to safely escort him/her from one area to another.



### Definition of a Restraint

- The term does not include hand-over-hand assistance with feeding or task completion and techniques prescribed by a qualified medical professional for reason of safety or for therapeutic or medical treatment, as agreed to by the student's or eligible young child's parents and specified in the IEP.
- Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself/herself, to other students, or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.
- Devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets used for balance and safety, safety harnesses in buses, and functional positioning devices are examples of mechanical restraints excluded from the definition of a restraint.
- Mechanical restraints used to control involuntary movement or lack of muscular control of students may be employed only when determined as necessary by a qualified medical professional and agreed to by the student's parents and specified in the IEP.
- Mechanical restraints shall prevent a student from injuring himself or others or promote normative body positioning and physical functioning.

### Individualized Education Program (IEP) Requirements



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- When a restraint is used, the school entity shall notify the parent and conduct an IEP team meeting within 10-school days unless the parent after written notice, agrees in writing to waive the meeting.
- At this meeting, the IEP team shall consider whether the student or eligible young child needs:
  - 1) A Functional Behavior Assessment (FBA)
  - 2) A Reevaluation;
  - 3) A New or revised Positive Behavior Support Plan; and/or
  - 4) A Change in Placement



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### Referrals to Law Enforcement



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### Referrals to Law Enforcement

The revised language in Section 14.133 and Section 711.46 require that subsequent to a referral of a student with disabilities who has a positive behavior support plans to law enforcement, that an updated functional behavior assessment be performed and the behavior support plan be updated.



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### Inclusion of Restraints in an IEP



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### Inclusion of Restraints in an IEP

Per Chapter 14 Section 14.133(2)(3)(4) the use of restraints may only be included in a student's or eligible young child's IEP when the following conditions apply:

- A) The restraint is utilized with specific component elements of positive behavior support.
- B) The restraint is used in conjunction with the teaching of socially acceptable alternative skills to replace problem behaviors.
- C) Staff is authorized to use the restraint procedure and have received the staff training required.
- D) There is a plan in place for eliminating the use of restraints through the application of positive behavior support.
- E) The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program, or employed as punishment.



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### School Entity Responsibilities



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### School Entity Responsibilities

#### Who Must Report?

- School Districts
- Charter Schools
- YDCs/YFCs

#### Restraints in Other Setting?

- IU, APS, CTC, RTF, Partial, PRRI, ICP
- Home District
- Or
- Host District



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### School Entity Responsibilities

- School entities have the primary responsibility of developing a written policy and procedures on the use of Positive Behavior Support (PBS) programs and for ensuring that PBS programs are in place.
- These plans must include methods that utilize positive reinforcement and other positive techniques to shape a student's behavior.
- The PBS program shall include the training of personnel in the use of de-escalation techniques and the use of safe physical restraints.
- School entities shall maintain and report data on the use of restraints as prescribed by the Department of Education.



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### School Entity Responsibilities

#### How Where Do I Get Training in De-escalation Techniques and Safe Physical Restraints

- PaTTAN Offices
- IU
- Private Providers



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#### Web-based Restraint Information System Collection (RISC)



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#### Web-based Restraint Information System Collection (RISC)

- A web-based system, for reporting all restraints of special education students (RISC) is available at <https://apps.leaderservices.com/risc>
- Restraints should be reported as they occur. The RISC system will be closed **June 30** of each school year so that data can be analyzed and reported to the Secretary of Education. Data entry of restraints for the previous school year will not be possible after June 30<sup>th</sup>.
- Restraints conducted during the 2012-13 Extended School Year (ESY), are to be reported in the 2013-14 school year.



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#### Web-based Restraint Information System Collection (RISC)

**If a school entity/charter school does not use any restraints during the entire school year, at the end of the school year a school entity/charter school designee must go into the RISC system and report that no restraints were used during the school year. This must be completed by June 30, 2014, and each year thereafter.**



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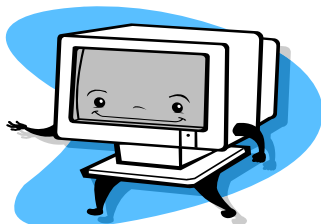
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### Monitoring of Restraint Tracking



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### Monitoring of Restraint Tracking

Each time a restraint is entered into RISC, the Bureau of Special Education (BSE) staff are notified via the Department's e-mail system. If the BSE has questions, regarding the restraint a contact will be made to the responsible party at the school entity. Follow-up and/or corrective actions will be determined as appropriate.



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### Contacts

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